

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Domonic R. Malone,

Plaintiff

v.

Heather Baca-Cook, et al.,

Defendants

Case No. 2:24-cv-00745-CDS-BNW

**Order Confirming Voluntary
Dismissal and Closing Case**

Plaintiff Domonic Malone brings this civil-rights action to redress constitutional violations that he allegedly suffered while incarcerated at High Desert State Prison. In response to the court's February 5, 2025, screening order setting a deadline for Malone to file an amended complaint, he filed a motion to dismiss this action with prejudice, arguing that he is unable to litigate here because his criminal case is pending retrial in state court, and wants this action dismissed consistent with the February 5th order. (ECF No. 13). I construe Malone's motion to be a notice under Federal Rule of Civil Procedure 41(a)(1)(A)(i) voluntarily dismissing this action. Voluntary dismissals do not require a court order when, like here, no party has served "either an answer or a motion for summary judgment[.]" Fed. R. Civ. P. 41(a)(1)(A)(i).

It is therefore ordered that the motion for voluntary dismissal (ECF No. 13) is construed as a notice of voluntary dismissal under Rule 41(a)(1)(A)(i), and this action is **DISMISSED with prejudice**. The Clerk of Court is kindly instructed to close this case.

I further order that the application to proceed *in forma pauperis* [ECF No. 1] is **denied as moot**.

Dated: March 10, 2025


Cristina D. Silva
United States District Judge